S.B. CIVIL WRIT PETITION NO.4487/2007
Ramesh Chandra Gupta
Vs.
State of Raj. & Ors.

Date of Order :: 14th November 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Dron Kaushik, for the petitioner.

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BY THE COURT:

Having heard learned counsel for the petitioner and having examined the material placed on record, this Court is clearly of opinion that the claim as made by the petitioner for compassionate appointment as a dependent of his deceased wife being fundamentally baseless had rightly been rejected on 25.05.1999; and this writ petition filed only on 17.01.2006 seeking compassionate appointment under the Rajasthan Compassionate Appointment of Dependants of Deceased Government Servants Rules, 1996 remains moreover baseless.

From the material placed on record it appears that the petitioner's wife Smt. Karuna Gupta, while serving as teacher, died due to accident on 06.04.1999. The District Education Officer (Elementary-I) Kota by his communication dated

15.05.1999 (Annex.2) informed the petitioner that under the relevant rules, if desired, the dependent of the deceased government servant could make an application for compassionate appointment in the prescribed form within 45 days. In response to the communication aforesaid the petitioner offered his own candidature as a dependent of the government servant (his wife). The said District Education Officer, however, by the communication dated 26.05.1999 (Annex.4) informed the petitioner of rejection of his application with the observation that the petitioner was not eligible to be appointed under the Rules of 1996 for his being above 42 years of age at the time of making of the application; and yet left it open for making of application by any other dependent of the deceased government servant. It seems that the matter rested there.

Though the petitioner has made a cursory averment of having approached authorities many times verbally or by way of written presentation, however, no such representation is on record except the one made as late as on 25.07.2005 (Annex.5) reiterating the request of the petitioner of according him compassionate appointment. Noteworthy it is that all the communications aforesaid including the late representation dated 25.07.2005 were made and exchanged at Kota and the petitioner stated his address at “Quarter No.3, Near Natraj

Tokies, Kota Junction, Kota". Now this writ petition has been filed by the petitioner on 17.01.2006 stating his age at 48 years and address at "14/866, Chopasni Housing Board, Jodhpur" questioning denial of compassionate appointment.

The petition does not merit admission for more than one reason. In the first place there is nothing on record to believe that the petitioner, husband of the deceased employee, then over 42 years of age, was dependent on his wife so as to be entitled for compassionate appointment. In any case, he was admittedly above 42 years of age at the time of making of the application and having crossed the maximum age limit available under the Rules of 1996 even after relaxation, could not have been appointed at all. Then, the significant fact remains that denial of compassionate appointment was made as back as on 26.05.1999 (Annex.4) and the petitioner has filed this writ petition only on 17.01.2006, after a delay of over 6½ years. There is nothing on record to show any reason for such gross and inordinate delay in filing this writ petition. Any proposition for compassionate appointment cannot be considered available for the petitioner after more than 6½ years of demise of his wife. Then, the petitioner who alleges himself to be an unemployed person in 48 years of age, though was residing at Kota at the time of making the application for compassionate appointment and even at the

time of making belated representation dated 25.07.2005, has not shown as to how and when he shifted his residence to Jodhpur ?

This writ petition is nothing less than an ill-conceived crude attempt to misuse the writ jurisdiction of this Court and deserves to be rejected outright.

The petition stands rejected.

(DINESH MAHESHWARI), J.

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